

# IDAHO ADMINISTRATIVE BULLETIN

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# Preface

*The Idaho Administrative Bulletin is published once each month by the Department of Administration, Office of the Administrative Rules Coordinator, pursuant to Section 67-5203, Idaho Code. The Bulletin is a monthly compilation of all administrative rule-making documents in Idaho. The Bulletin publishes the official rulemaking notices and administrative rule text of state agency rulemakings and other official documents as necessary.*

*State agencies are required to provide public notice of rulemaking activity and invite public input. The public receives notice of rulemaking activity through the Idaho Administrative Bulletin and the Legal Notice published monthly in local newspapers. The Legal Notice provides reasonable opportunity for public input, either oral or written, which may be presented to the agency within the time and manner specified in the Rulemaking Notice published in the Bulletin. After the comment period closes, the agency considers fully all information submitted in regard to the rule. Comment periods are not provided in temporary or final rule-making activities.*

## **CITATION TO THE IDAHO ADMINISTRATIVE BULLETIN**

*The Bulletin is cited by year and issue number. For example, Bulletin 02-1 refers to the first Bulletin issued in calendar year 2002; Bulletin 03-1 refers to the first Bulletin issued in calendar year 2003. Volume numbers, which proceed from 1 to 12 in a given year, correspond to the months of publication, i.e.; Volume No. 02-1 refers to January 2002; Volume No. 03-2 refers to February 2003; and so forth. Example: The Bulletin published in January of 2003 is cited as Volume 03-1. The December 2002 Bulletin is cited as Volume 02-12.*

## **RELATIONSHIP TO THE IDAHO ADMINISTRATIVE CODE**

*The Idaho Administrative Code is published once a year and is a compilation or supplemental compilation of all final and enforceable administrative rules in effect in Idaho. In an effort to provide the reader with current, enforceable rules, temporary rules are also published in the Administrative Code. Temporary rules and final rules that have been approved by the legislature during the legislative session, and published in the monthly Idaho Administrative Bulletin, supplement the Administrative Code. Negotiated, proposed, and pending rules are not printed in the Administrative Code and are published only in the Bulletin.*

*To determine if a particular rule remains in effect, or to determine if a change has occurred, the reader should refer to the **Cumulative Index of Administrative RuleMaking**, printed in each Bulletin.*

## **TYPES OF RULEMAKINGS PUBLISHED IN THE ADMINISTRATIVE BULLETIN**

*The state of Idaho administrative rulemaking process, governed by the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code, comprises five distinct activities: negotiated, proposed, temporary, pending and final rulemaking. Not all rulemakings involve all five. At a minimum, a rulemaking includes proposed, pending and final rulemaking. Many rules are adopted as temporary rules when they meet the required statutory criteria and agencies often engage in negotiated rulemaking at the beginning of the process to facilitate consensus building in controversial or complex rulemakings. In the majority of cases, the process begins with proposed rulemaking and ends with the final rulemaking. The following is a brief explanation of each type of administrative rule.*

### **NEGOTIATED RULEMAKING**

*Negotiated rulemaking is a process in which all interested parties and the agency seek consensus on the content of a rule. Agencies are encouraged, and in some cases required, to engage in this rulemaking activity whenever it is feasible to do so. Publication of a "Notice of Intent to Promulgate" a rule in the Administrative Bulletin by the agency is optional. This process should result in the formulation of a proposed and/or temporary rule.*

### ***PROPOSED RULEMAKING***

*A proposed rulemaking is an action by an agency wherein the agency is proposing to amend or repeal an existing rule or to adopt a new rule. Prior to the adoption, amendment, or repeal of a rule, the agency must publish a "Notice of Proposed Rulemaking" in the Bulletin. This notice must include:*

- a) the specific statutory authority (from Idaho Code) for the rulemaking including a citation to a specific federal statute or regulation if that is the basis of authority or requirement for the rulemaking;*
- b) a statement in nontechnical language of the substance of the proposed rule, including a specific description of any fee or charge imposed or increased;*
- c) the text of the proposed rule prepared in legislative format;*
- d) the location, date, and time of any public hearings the agency intends to hold on the proposed rule;*
- e) the manner in which persons may make written comments on the proposed rule, including the name and address of a person in the agency to whom comments on the proposal may be sent;*
- f) the manner in which persons may request an opportunity for an oral presentation as provided in Section 67-5222, Idaho Code; and*
- g) the deadline for public (written) comments on the proposed rule.*

*As stated, the text of the proposed rule must be published in the Bulletin. After meeting the statutory rulemaking criteria for a proposed rule, the agency may proceed to the pending rule stage. A proposed rule does not have an assigned effective date unless published in conjunction with a temporary rule. An agency may vacate a proposed rulemaking if it decides not to proceed further with the promulgation process.*

### ***TEMPORARY RULEMAKING***

*Temporary rules may be adopted only when the governor finds that it is necessary for:*

- a) protection of the public health, safety, or welfare; or*
- b) compliance with deadlines in amendments to governing law or federal programs; or*
- c) conferring a benefit;*

*If a rulemaking meets any one or all of the above requirements, a rule may become effective before it has been submitted to the legislature for review and the agency may proceed and adopt a temporary rule. However, a temporary rule that imposes a fee or charge may be adopted only if the Governor finds that the fee or charge is necessary to avoid an immediate danger which justifies the imposition of the fee or charge.*

*A temporary rule expires at the conclusion of the next succeeding regular legislative session unless the rule is approved, amended, or modified by concurrent resolution or when the rule has been replaced by a final rule.*

*State law required that the text of both a proposed rule and a temporary rule be published in the Administrative Bulletin. In cases where the text of the temporary rule is the same as the proposed rule, the rulemaking can be done concurrently as a proposed/temporary rule. Combining the rulemaking allows for a single publication of the text.*

*An agency may, at any time, rescind a temporary rule that has been adopted and is in effect. If the temporary rule is being replaced by a new temporary rule or if it has been published concurrently with a proposed rulemaking that is being vacated, the agency, in most instances, should rescind the temporary rule.*

### **PENDING RULEMAKING**

*A pending rule is a rule that has been adopted by an agency under regular rulemaking procedures and remains subject to legislative review before it becomes a final, enforceable rule.*

*When a pending rule is published in the Bulletin, the agency is required to include certain information in the "Notice of Pending Rulemaking". This includes:*

- a) a statement giving the reasons for adopting the rule;*
- b) a statement of any change between the text of the proposed rule and the pending rule with an explanation of the reasons for any changes;*
- c) the date the pending rule will become final and effective;*
- d) an identification of any portion of the rule imposing or increasing a fee or charge.*

*Agencies are required to republish the text of the rule when substantive changes have been made to the proposed rule. An agency may adopt a pending rule that varies in content from that which was originally proposed if the subject matter of the rule remains the same, the pending rule change is a logical outgrowth of the proposed rule, and the original notice was written so as to assure that members of the public were reasonably notified of the subject. It is not always necessary to republish all the text of the pending rule. With the permission of the Rules Coordinator, only the Section(s) that have changed from the proposed text are republished. If no changes have been made to the previously published text, it is not required to republish the text again and only the "Notice of Pending Rulemaking" is published.*

### **FINAL RULEMAKING**

*A final rule is a rule that has been adopted by an agency under the regular rulemaking procedures and is in effect and enforceable.*

*No pending rule adopted by an agency will become final and effective until it has been submitted to the legislature for review. Where the legislature finds that an agency has violated the legislative intent of the statute under which the rule was made, a concurrent resolution may be adopted to reject the rulemaking or any part thereof. A "Notice of Final Rule" must be published in the Bulletin for any rule that is rejected, amended, or modified by the legislature showing the changes made. A rule that has been reviewed by the legislature and has not been rejected, amended or modified will become final with no further legislative action. No rule shall become final and effective before the conclusion of the regular or special legislative session at which the rule was submitted for review. However, a rule that is final and effective may be applied retroactively, as provided in the rule.*

### **AVAILABILITY OF THE ADMINISTRATIVE CODE AND BULLETIN**

*The Idaho Administrative Code and all monthly Bulletins are available for viewing and use by the public in all 44 county law libraries, state university and college and community college libraries, the state law library, the state library, the Public Libraries in Boise, Pocatello, Idaho Falls, Twin Falls, Lewiston and East Bonner County Library.*

## **SUBSCRIPTIONS AND DISTRIBUTION**

For subscription information and costs of publications, please contact the Department of Administration, Office of the Administrative Rules Coordinator, 650 W. State Street, Room 100, Boise, Idaho 83720-00306, telephone (208) 332-1820.

*The Idaho Administrative Bulletin* is an official monthly publication of the State of Idaho. Yearly subscriptions or individual copies are available for purchase.

*The Idaho Administrative Code*, is an annual compilation or supplemental compilation of all final and enforceable temporary administrative rules and includes tables of contents, reference guides, and a subject index.

*Individual Rule Chapters* and *Individual Rule Making Dockets*, are specific portions of the Bulletin and Administrative Code produced on demand.

**Internet Access** - The Administrative Code and Administrative Bulletin are available on the Internet at the following address:

<http://www2.state.id.us/adm/adminrules/>

## **HOW TO USE THE IDAHO ADMINISTRATIVE BULLETIN**

Rulemaking documents produced by state agencies and published in the *Idaho Administrative Bulletin* are organized by a numbering system. Each state agency has a two-digit identification code number known as the "**IDAPA**" number. (The "**IDAPA**" Codes are listed in the alphabetical/numerical index at the end of this Preface.) Within each agency there are divisions or departments to which a two-digit "**TITLE**" number is assigned. There are "**CHAPTER**" numbers assigned within the Title and the rule text is divided among major sections with a number of subsections. An example IDAPA number is as follows:

### **IDAPA 38.07.01.200.02.c.ii.**

"**IDAPA**" refers to Administrative Rules in general that are subject to the Administrative Procedures Act and are required by this act to be published in the Idaho Administrative Code and the Idaho Administrative Bulletin.

"**IDAPA 38**" refers to the Idaho Department of Administration

"**05.**" refers to Title 05, which is the Department of Administrations's Division of Purchasing

"**01.**" refers to Chapter 01 of Title 05, "Rules of the Division of Purchasing"

"**200.**" refers to Major Section 200, "Content of the Invitation to Bid"

"**02.**" refers to Subsection 200.02.

"**c.**" refers to Subsection 200.02.c.

"**ii.**" refers to Subsection 200.02.c.ii.

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## DOCKET NUMBERING SYSTEM

Internally, the Bulletin is organized sequentially using a rule docketing system. All rulemaking actions (documents) are assigned a "DOCKET NUMBER." The "Docket Number" is a series of numbers separated by a hyphen "-", (38-0501-0401). The docket numbers are published sequentially by IDAPA designation (e.g. the two-digit agency code). The following example is a breakdown of a typical rule docket:

### "DOCKET NO. 38-0501-0401"

"38-" denotes the agency's IDAPA number; in this case the Department of Administration.

"0501-" refers to the **TITLE AND CHAPTER** numbers of the agency rule being promulgated; in this case the Division of Purchasing (**TITLE 05**), Rules of the Division of Purchasing (**Chapter 01**).

"0401" denotes the year and sequential order of the docket received during the year; in this case the first rule-making action in calendar year 2004.

Within each Docket, only the affected sections of chapters are printed. (see **Sections Affected Index** in each Bulletin for a listing of these.) The individual sections affected are printed in the Bulletin sequentially (e.g. Section "200" appears before Section "345" and so on). Whenever the sequence of the numbering is broken the following statement will appear:

**"(BREAK IN CONTINUITY OF SECTIONS)"**

## INTERNAL AND EXTERNAL CITATIONS TO ADMINISTRATIVE RULES IN THE CODE AND BULLETIN

When making a citation to another Section or Subsection of a rule that is part of the same rule, a typical internal citation may appear as follows:

**"...as found in Section 201 of this rule." OR "...in accordance with Subsection 201.06.c. of this rule."**

The citation may also include the IDAPA, Title, or Chapter number, as follows"

**"...in accordance with IDAPA 38.05.01.201..."**

**"38"** denotes the IDAPA number of the agency.

**"05"** denotes the TITLE number of the rule.

**"01"** denotes the Chapter number of the rule.

: **"201"** references the main Section number of the rule that the citation refers to.

Citations made within a rule to a different rule chapter (external citation) should also include the name of the Department and the name of the rule chapter being referenced, as well as the IDAPA, Title, and Chapter numbers. The following is a typical example of an external citation to another rule chapter:

**"...as outlined in the Rules of the Department of Administration, IDAPA 38.04.041, "Rules Governing Capitol Mall Parking."**

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2005**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
05-1	January 2005	<b>*November 19, 2004</b>	January 5, 2005	January 26, 2005
05-2	February 2005	January 5, 2005	February 2, 2005	February 23, 2005
05-3	March 2005	February 2, 2005	March 2, 2005	March 23, 2005
05-4	April 2005	March 2, 2005	April 6, 2005	April 27, 2005
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05-12	December 2005	November 2, 2005	December 7, 2005	December 28, 2005

**BULLETIN PUBLICATION SCHEDULE FOR CALENDAR YEAR 2006**

<b>Vol. No.</b>	<b>Monthly Issue of Bulletin</b>	<b>Closing Date for Agency Filing</b>	<b>Publication Date</b>	<b>21-day Comment Period End Date</b>
06-1	January 2006	<b>*November 16, 2005</b>	January 4, 2006	January 25, 2006
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06-3	March 2006	February 1, 2006	March 1, 2006	March 22, 2006
06-4	April 2006	March 1, 2006	April 5, 2006	April 26, 2006
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06-10	October 2006	<b>**August 23, 2006</b>	October 4, 2006	October 25, 2006
06-11	November 2006	October 4, 2006	November 1, 2006	November 22, 2006
06-12	December 2006	November 1, 2006	December 6, 2006	December 27, 2006

***\*Last day to submit proposed rulemaking before moratorium begins and last day to submit pending rules to be reviewed by the legislature.***

***\*\*Last day to submit proposed rules in order to complete rulemaking for review by legislature.***

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**THE OFFICE OF THE GOVERNOR**

**EXECUTIVE DEPARTMENT  
STATE OF IDAHO  
BOISE**

**EXECUTIVE ORDER NO. 2004-12**

***AUTHORIZING THE CONTINUATION OF THE "CLICK IT, DON'T RISK IT!" CAMPAIGN***

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*WHEREAS, the Idaho Transportation Department is charged with administering highway safety programs - including the use of safety restraints - for the state of Idaho through the Office of Traffic and Highway Safety; and*

*WHEREAS, Idaho is concerned with the education about safety restraints; and*

*WHEREAS, Idaho's current theme, Click It, Don't Risk It!, has helped Idaho increase seatbelt usage from 63 percent to 74 percent since its inception two years ago; and*

*WHEREAS, Idaho has a substantial investment in Click It, Don't Risk It!; and*

*WHEREAS, the Click It, Don't Risk It! logo is used extensively on all educational materials and continues to provide valuable recognition for Idaho's seatbelt usage promotional programs; and*

*WHEREAS, the Click It, Don't Risk It! theme is used statewide by the Idaho Transportation Department's highway safety partners including public health districts, insurance companies, hospitals, drivers education instructors, emergency medical service providers, and law enforcement officers and agencies;*

*NOW, THEREFORE, I, Dirk Kempthorne, Governor of the State of Idaho, by the authority vested in me under the constitution and laws of this state do hereby order that Idaho will continue to use the Click It, Don't Risk It! for the annual May Mobilization effort to educate and encourage Idahoans to use safety restraints.*



*IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Idaho at the Capitol in Boise on this 30th of December in the year of our Lord two thousand and four and of the Independence of the United States of America the two hundred twenty-ninth and of the Statehood of Idaho the one hundred-fifteenth.*

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**DIRK KEMPTHORNE  
GOVERNOR**

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**BEN YSURSA  
SECRETARY OF STATE**

## IDAPA 07 - DIVISION OF BUILDING SAFETY

### 07.07.01 - RULES GOVERNING INSTALLATION OF HEATING, VENTILATION, AND AIR CONDITIONING SYSTEMS

DOCKET NO. 07-0701-0501

#### NOTICE OF RULEMAKING - TEMPORARY RULE

**EFFECTIVE DATE:** The effective date of the temporary rule is January 1, 2005.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 54-5004(1) and 54-5005(2), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of the supporting reasons for adopting the temporary rule:

The temporary rulemaking is necessary to clarify the building codes pertaining to HVAC installations. The rulemaking will provide consistency between statutes and rules for purposes of enforcement. Because inspections are to begin January 1, 2005 it is necessary for the rule to be promulgated as temporary to protect the public safety.

The temporary rulemaking will also establish requirements for specialty journeyman certification, and requirements for apprentice and specialty apprentice registration.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate for the following reasons:

Adoption of the temporary rule is necessary to protect the public's health, safety and welfare by clarifying the building codes pertaining to HVAC installations and establishing requirements for specialty journeyman certification, and requirements for apprentice and specialty apprentice registration.

**FEE SUMMARY:** Pursuant to Section 67-5226(2), the Governor has found that the fee or charge being imposed or increased is justified and necessary to avoid immediate danger and the fee is described herein: N/A

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Ted Hogander, Plumbing Bureau Chief, at (208) 332-7154.

DATED this 30th day of December, 2004.

Dave Munroe, Administrator  
Division of Building Safety  
1090 E. Watertower St.  
Meridian, Idaho 83642  
Phone: 208-332-7100  
Fax: 208-855-2164

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#### THE FOLLOWING IS THE TEXT OF DOCKET NO. 07-0701-0501

**000. LEGAL AUTHORITY.**

This chapter is adopted in accordance with Sections 54-5001 and 54-5005(2), Idaho Code. (~~3-16-04~~)(1-1-05)T

**(BREAK IN CONTINUITY OF SECTIONS)**

**004. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL MECHANICAL CODE, 2003 EDITION.**

**01.** There are no documents that have been incorporated by reference into this rule. The International Mechanical Code, 2003 Edition, including appendix "A", (herein IMC) is adopted and incorporated by reference with the following amendments: (3-16-04)(1-1-05)T

**a.** Where differences occur between the IMC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (1-1-05)T

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (1-1-05)T

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (1-1-05)T

**d.** Section 312. Sizing requirements shall be as established by the authority having jurisdiction. (1-1-05)T

**02.** The International Mechanical Code, 2003 Edition, is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. (1-1-05)T

**005. ADOPTION AND INCORPORATION BY REFERENCE OF THE INTERNATIONAL FUEL GAS CODE, 2003 EDITION.**

**01.** The International Fuel Gas Code, 2003 Edition, including appendixes "A, B, C, and D," (herein IFGC) is adopted and incorporated by reference with the following amendments: (1-1-05)T

**a.** Where differences occur between the IFGC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (1-1-05)T

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (1-1-05)T

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (1-1-05)T

**d.** Section 303.3. Delete exception 4. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. (1-1-05)T

**e.** Section 406.4. Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (1-1-05)T

**f.** Section 406.4.1. Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working

pressure, minimum test pressure shall be no less than six (6) times working pressure. (1-1-05)T

**g.** Section 406.4.2. The test duration shall not be less than twenty (20) minutes. (1-1-05)T

**h.** Section 505.1.1. Addition. An interlock between the cooking appliance and the exhaust hood system shall not be required for appliances that are of the manually operated type and are factory equipped with standing pilot burner ignition systems. (1-1-05)T

**i.** Section 621.4. Prohibited Locations. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. (1-1-05)T

**02.** The International Fuel Gas Code, 2003 Edition, is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and 1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814. (1-1-05)T

**006.** **ADOPTION AND INCORPORATION BY REFERENCE OF PARTS V (MECHANICAL) AND PARTS VI (FUEL GAS) OF THE INTERNATIONAL RESIDENTIAL CODE FOR ONE AND TWO-FAMILY DWELLINGS, 2003 EDITION.**

**01.** **Parts V (Mechanical) and Parts VI (Fuel Gas) of the International Residential Code for One and Two-Family Dwellings, 2003 Edition, including appendixes "A, B, C, and D", (herein IRC) are adopted and incorporated by reference with the following amendments.** (1-1-05)T

**a.** Where differences occur between the IRC and Title 54, Chapter 50, Idaho Code and IDAPA 07, Title 07, the provisions in Idaho Code and IDAPA rules shall apply. (1-1-05)T

**b.** All references to the International Plumbing Code (IPC) shall be construed as referring to the Uniform Plumbing Code (UPC) as adopted and amended by the Idaho State Plumbing Board. (1-1-05)T

**c.** All references to the International Code Council Electrical Code (ICC EC) shall be construed as referring to the National Electrical Code (NEC) as adopted and amended by the Idaho State Electrical Board. (1-1-05)T

**d.** Section M1401.3. Sizing requirements shall be as established by the authority having jurisdiction. (1-1-05)T

**e.** Section G2406.2 (303.3). Delete exception 4. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. (1-1-05)T

**f.** Section G2417.4 (406.4). Change the last sentence to: Mechanical gauges used to measure test pressure shall have a range such that the highest end of the scale is not greater than two (2) times the test pressure nor lower than one and one-half (1.5) times the test pressure. (1-1-05)T

**g.** Section G2417.4.1 (406.4.1). Test Pressure. Not less than twenty (20) psig (140kPa gauge) test pressure shall be required for systems with a maximum working pressure up to ten (10) inches water column. For systems with a maximum working pressure between ten (10) inches water column and ten (10) psig (70kPa gauge); not less than sixty (60) psig (420kPa gauge) test pressure shall be required. For systems over ten (10) psig (70kPa gauge) working pressure, minimum test pressure shall be no less than six (6) times working pressure. (1-1-05)T

**h.** Section G2417.4.2 (406.4.2). The test duration shall not be less than twenty (20) minutes. (1-1-05)T

**i.** Section G2445.4 (621.4). Prohibited Locations. Unvented fuel-burning room heaters shall not be installed in a Group A, E, I, or R occupancy. (1-1-05)T

**02.** The International Residential Code for One- and Two-Family Dwellings, 2003 Edition, is available at the Division of Building Safety offices located at 1090 E. Watertower St., Meridian, Idaho 83642 and

1250 Ironwood Dr., Ste. 220, Coeur d'Alene, Idaho 83814.

(1-1-05)T

**0057. OFFICE -- OFFICE HOURS -- MAILING ADDRESS AND STREET ADDRESS.**

The principal place of business of the Division of Building Safety, HVAC Bureau is located at 1090 E. Watertower Street, Meridian, Idaho. The office is open from 8 a.m. to 5 p.m., except Saturday, Sunday, and legal holidays. The mailing address is: Division of Building Safety, HVAC Bureau, 1090 E. Watertower Street, Meridian, Idaho 83642. The office telephone number is (208) 334-~~3950~~ 6180 and the facsimile number is (208) 855-~~2164~~ 0768.

(~~3-16-04~~)(1-1-05)T

**0068. FILING OF DOCUMENTS.**

All written communications and documents that are intended to be part of an official record for decision in a rulemaking or contested case, must be filed with the administrator of the Division. Communications and documents shall be filed by mail, hand-delivery, or by facsimile transmission. One (1) original must be filed with the administrator, and one (1) copy must be submitted to the opposing parties. Whenever documents are filed by facsimile transmission, originals shall be deposited in the mail the same day or hand-delivered the following business day to the administrator and opposing parties.

(3-16-04)

**0079. PUBLIC RECORDS ACT COMPLIANCE.**

These rules were promulgated in accordance with the Administrative Procedure Act, Title 67, Chapter 52, Idaho Code. These rules and all records of the HVAC board are subject to the provisions of the Idaho Public Records Act, Title 9, Chapter 3, Idaho Code.

(3-16-04)

**00810. CHANGES IN NAME AND ADDRESS -- ADDRESS FOR NOTIFICATION PURPOSES.**

**01. Change of Name.** Whenever a change of name occurs for a certified contractor, journeyman, specialty journeyman, specialty contractor, ~~or~~ registered apprentice, or specialty apprentice, the HVAC board must be notified immediately, in writing, of the change. Documentation confirming the change of name must be provided to the board on request.

(~~3-16-04~~)(1-1-05)T

**02. Change of Address.** Whenever a change of mailing address occurs for a certificated contractor, journeyman, specialty journeyman, specialty contractor, ~~or~~ registered apprentice, or specialty apprentice, the HVAC board must be notified immediately, in writing, of the change.

(~~3-16-04~~)(1-1-05)T

**03. Address for Notification Purposes.** The most recent mailing address on record with the HVAC board will be utilized for purposes of all written communication with certified contractors, journeymen, specialty journeymen, specialty contractors, ~~and~~ registered apprentices, and specialty apprentices, including, but not limited to, notification of renewal and notices related to inspections.

(~~3-16-04~~)(1-1-05)T

**00911. MEETINGS.**

HVAC Board meetings are subject to the provisions of the Idaho Open Meeting Law, Title 67, Chapter 23, Idaho Code.

(3-16-04)

**0102. DEFINITIONS.**

**01. Administrator.** The administrator of the Idaho Division of Building Safety. (3-16-04)

**02. Board.** The Idaho Heating, Ventilation, and Air Conditioning (HVAC) Board. (3-16-04)

**03. Bureau.** The Idaho Division of Building Safety, Heating, Ventilation, and Air Conditioning Bureau. (3-16-04)

**04. Division.** The Idaho Division of Building Safety. (3-16-04)

**05. Additional Definitions.** Terms defined in Section 54-5003, Idaho Code, will have the same meaning when utilized in these rules. (3-16-04)

**06. Rules.** IDAPA 07.07.01, "Rules Governing Installation of Heating, Ventilation, and Air

Conditioning Systems, Division of Building Safety”. (3-16-04)

**0143. CERTIFICATES OF COMPETENCY -- ISSUANCE, RENEWAL, EXPIRATION-REVIVAL.**

**01. Issuance.** Certificates of competency shall be issued in such a manner as to create a renewal date that coincides with the birth month of the individual to whom the certificate is issued and allows for renewals every three (3) years. (7-1-04)T

**a.** Certificates of competency shall be issued for a period of no less than one (1) year and no more than (3) three years. For example: a qualified applicant who applies for a certificate of competency in August of year one (1), but whose birthday will not occur until March of year two (2) shall be issued a certificate of competency renewable on the anniversary of the applicant’s birth month. (7-1-04)T

**b.** The fee for issuance of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

**02. Renewal.** Certificates of competency shall be renewed in such a manner as to create a staggered system of certificate renewals using the birth month of the individual to whom the certificate is issued as the expiration date. (7-1-04)T

**a.** Certificates of competency shall be renewed for a period of no less than one (1) year and no more than three (3) years. (7-1-04)T

**b.** The fee for renewal of certificates of competency shall be prorated based on the number of months for which the certificate is issued. (7-1-04)T

**03. Expiration-Revival.** (7-1-04)T

**a.** Certificates that are not timely renewed will expire on the last day of the month in which the renewal is due. (7-1-04)T

**b.** Revived certificates shall be issued in such a manner as to create a renewal date that coincides with the birth month of the applicant so as to create a staggered system of renewal. (7-1-04)T

**0124. -- 019. (RESERVED).**

**020. HVAC CONTRACTOR AND HVAC JOURNEYMAN APPLICATIONS FOR EXAMINATION AND CERTIFICATES OF COMPETENCY, AND REGISTRATION OF APPRENTICES.**

Application forms for HVAC contractor, HVAC specialty contractor, ~~and~~ HVAC journeyman, and HVAC specialty journeyman examinations or certificates of competency and for HVAC apprentice or HVAC specialty apprentice registrations, shall be printed and made available by the administrator. (~~3-16-04~~)(1-1-05)T

**01. Application Forms.** All applications for certificates and all applications for registration shall be submitted on forms provided by the administrator and shall be properly completed, giving all pertinent information, and all signatures shall be notarized. (3-16-04)

**02. Application, Renewal, and Registration Fees.** Fees for applications for examination, certificates of competency, renewal of certificates, and fees for apprentice registration shall be as set forth in Section 54-5012, Idaho Code. (3-16-04)

**03. Application Submission.** All applications shall be submitted to the Board and shall be approved by an administrator before any examination may be taken and before any certificate of competency is issued. (3-16-04)

**(BREAK IN CONTINUITY OF SECTIONS)**

**023. HVAC JOURNEYMAN CERTIFICATES OF COMPETENCY.**

**01. Requirements for HVAC Journeyman. (3-16-04)**

**a.** Experience. Demonstrate, to the satisfaction of the board, a minimum of four (4) years experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice making HVAC installations on the job under the ~~constant~~ supervision of a qualified HVAC journeyman. ~~(3-16-04)~~(1-1-05)T

**b.** Education. Successfully complete any required apprenticeship training courses. (3-16-04)

**c.** Examination. Applicants for certification as HVAC journeymen must successfully complete the examination designated by the board. (3-16-04)

**02. Alternate Requirements for HVAC Journeyman (Applies Only Until April 1, 2005). (3-16-04)**

**a.** Qualification. Proof, satisfactory to the board, of having been engaged or being qualified to be engaged in the installation, improvement, extension, alteration, or repair of HVAC systems as a journeyman prior to July 1, 2004. Forms of proof include, but are not limited to: (3-16-04)

i. Copies of journeyman certification; (3-16-04)

ii. Licensure or registration; (3-16-04)

iii. Signed notarized affidavits from employers or labor organizations; or (3-16-04)

iv. Certificates of completion from journeyman educational or training programs. (3-16-04)

**b.** Examination. Copies of the HVAC statute and rules, along with an examination regarding the statute and rules will be included in each application package. The examination is to be completed using the statute and rules and a written verification of completion of the examination must be submitted at the same time as the completed application for a certificate of competency. (3-16-04)

**024. HVAC SPECIALTY JOURNEYMAN CERTIFICATES OF COMPETENCY. (1-1-05)T**  
Requirements for HVAC Specialty Journeyman.

**01. Experience.** Demonstrate, to the satisfaction of the board, a minimum of two (2) years experience working in the trade, in compliance with the requirements of the state in which the applicant received his supervision, or as a registered HVAC apprentice or registered HVAC specialty apprentice making HVAC installations on the job under the supervision of a qualified HVAC journeyman or qualified HVAC specialty journeyman. (1-1-05)T

**02. Education.** Successfully complete any required apprenticeship training courses. (1-1-05)T

**03. Examination.** Applicants for certification as HVAC specialty journeymen must successfully complete an examination designated by the board. (1-1-05)T

**025. HVAC APPRENTICE REQUIREMENTS FOR REGISTRATION. (1-1-05)T**  
Requirements for HVAC Apprentice.

**01. Age.** Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (1-1-05)T

**02. Training.** Maintain enrollment in or successfully complete a training program approved by the

board. (1-1-05)T

**03. Supervision.** Work under the supervision of a certified HVAC journeyman. (1-1-05)T

**026. HVAC SPECIALTY APPRENTICE REQUIREMENTS FOR REGISTRATION.**  
Requirements for HVAC Specialty Apprentice. (1-1-05)T

**01. Age.** Minimum of eighteen (18) years of age unless registered in a Bureau of Apprenticeship Training (BAT) certified HVAC training program. (1-1-05)T

**02. Training.** Maintain enrollment in or successfully complete a training program approved by the board. (1-1-05)T

**03. Supervision.** Work under the supervision of a certificated HVAC journeyman or certificated HVAC specialty journeyman. (1-1-05)T

**0247. -- 049. (RESERVED).**

**OFFICE OF THE ADMINISTRATIVE RULES COORDINATOR  
IDAHO DEPARTMENT OF ADMINISTRATION**

**IDAPA 11 - IDAHO STATE POLICE**

**11.02.01 - RULES OF THE IDAHO STATE BRAND BOARD**

**DOCKET NO. 11-0201-0501 (FEE RULE)**

**NOTICE OF CORRECTION TO TEMPORARY RULE**

**CORRECTION:** This notice corrects a typographical error made by the Office of Administrative Rules during the publication of the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1. In the Notice of Rulemaking - Temporary and Proposed Rule, published under Docket No. 11-0201-0501, the temporary effective date that was shown in the Effective Date Section of the Notice was the correct date, October 18, 2004. However, the effective date printed in Subsection 034.01 was incorrectly printed as November 8, 2004. This effective date has been corrected in both electronic versions of the Idaho Administrative Bulletin and the Idaho Administrative Code to reflect the October 18, 2004 temporary effective date as submitted by the agency.

**EFFECTIVE DATE:** The effective date of this temporary rule is October 18, 2004.

**AUTHORITY:** In compliance with Sections 67-5204, 67-5221(1), and 67-5226, Idaho Code, notice is hereby given that the Office of the Administrative Rules Coordinator is correcting a typographical error that occurred during the publication of the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1.

**DESCRIPTIVE SUMMARY:** The following is a non-technical explanation of the correction being made:

The temporary effective date published under Docket No. 11-0201-0501 in the January 5, 2005, Idaho Administrative Bulletin, Volume 05-1, was incorrectly transcribed in the text of the rule in Subsection 034.01. The temporary effective date in the text of the rule has been corrected from (11-8-04)T to (10-18-04)T.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning this correction notice, contact Dennis Stevenson at (208) 332-1820.

DATED this 27th day of December, 2004.

Dennis R. Stevenson  
Administrative Rules Coordinator  
Office of the Administrative Rules Coordinator  
Department of Administration  
P.O. Box 83720  
Boise, ID 83720-0306  
Phone: (208) 332-1820  
Fax: (208) 332-1896

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**

**DOCKET NO. 16-0309-0501**

**NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is March 1, 2004.

**AUTHORITY:** In compliance with Section 67-5226, Idaho Code, notice is hereby given that this agency has adopted a temporary rule. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

To better protect the health and safety of Idahoans, these rules are being amended to allow for Medicaid coverage of an investigational/experimental medical procedure when the medical review process indicates that such a procedure is necessary and would benefit the health of the participant.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section 67-5226(1)(a), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate since it is necessary for the protection of the public health, safety, or welfare.

**FEE SUMMARY:** There is no fee or charge being imposed or increased in this docket.

**ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS:** For assistance on technical questions concerning the temporary rule, contact Leslie Clement at (208) 364-1804.

DATED this 20th day of December, 2004.

Sherri Kovach  
Program Supervisor  
DHW – Administrative Procedures Section  
450 West State Street - 10th Floor  
P.O. Box 83720  
Boise, Idaho 83720-0036  
(208) 334-5564 phone  
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**THE FOLLOWING IS THE TEXT OF DOCKET NO. 16-0309-0501**

**061. -- 0643. (RESERVED).**

**064. COVERAGE OF INVESTIGATIONAL/EXPERIMENTAL PROCEDURES OR TREATMENTS.**  
The Department may consider Medicaid coverage for investigational/experimental procedures or treatments on a case-by-case basis for life-threatening medical illnesses when no other treatment options are available. For these cases, a focused case review is completed by a professional medical review organization to determine if an investigational/experimental procedure would be beneficial to the participant. The Department will determine coverage based on this review. (3-1-04)T

- 01. Focused Case Review.** A focused case review consists of assessment of the following: (3-1-04)T
- a.** Health benefit to the participant of the proposed procedure or treatment: (3-1-04)T
  - b.** Risk to the participant associated with the proposed procedure or treatment: (3-1-04)T
  - c.** Result of standard treatment for the participant's condition, including alternative treatments other than the requested procedure or treatment: (3-1-04)T
  - d.** Specific inclusion or exclusion by Medicare national coverage guidelines of the proposed procedure or treatment: (3-1-04)T
  - e.** Phase of the clinical trial of the proposed procedure or treatment: (3-1-04)T
  - f.** Guidance of the proposed procedure or treatment by national organizations: (3-1-04)T
  - g.** Clinical data and peer-reviewed literature pertaining to the proposed procedure or treatment; and (3-1-04)T
  - h.** Ethics Committee review, if appropriate. (3-1-04)T

**02. Additional Clinical Information.** For cases in which the Department determines that there is insufficient information from the focused case review to render a coverage decision, the Department may, at its discretion, seek an independent professional opinion. (3-1-04)T

**03. Coverage Determination.** The Department will make a decision about coverage of the investigational/experimental procedure or treatments after consideration of the focused case review and any additional information received during the review process. (3-1-04)T

**065. SERVICES, TREATMENTS, AND PROCEDURES NOT COVERED BY MEDICAL ASSISTANCE.** The following services, treatments, and procedures are not covered for payment by the Medical Assistance Program: (5-15-84)(3-1-04)T

- 01. Service Categories ~~Excluded~~ Not Covered.** The following ~~categories of~~ service categories are ~~excluded from MA payment~~ not covered for payment by the Medical Assistance Program: (5-15-84)(3-1-04)T
- a.** Acupuncture services; ~~and~~ (5-15-84)(3-1-04)T
  - b.** Naturopathic services; ~~and~~ (5-15-84)(3-1-04)T
  - c.** Bio-feedback therapy; and (11-10-87)
  - d.** Fertility-related services, including testing. (11-10-87)(3-1-04)T

**02. ~~Procedures Excluded~~ Types of Treatments and Procedures Not Covered.** The costs of physician and hospital services for the following types of treatments and procedures are ~~excluded from MA payment. This includes both the procedure itself, and the costs for all follow-up medical treatment directly associated with such a procedure~~ not covered for payment by the Medical Assistance Program: (6-1-86)(3-1-04)T

- a.** Elective medical and surgical treatment, except for family planning services, without Departmental approval. Procedures that are generally accepted by the medical community and are medically necessary may not require prior approval and may be eligible for payment; ~~or~~ (6-1-86)(3-1-04)T
- b.** Cosmetic surgery, excluding reconstructive surgery ~~which that~~ has prior approval by the Department; ~~or~~ (7-1-98)(3-1-04)T

- c.** Acupuncture; ~~or~~ (6-1-86)(3-1-04)T
- d.** Bio-feedback therapy; ~~or~~ (6-1-86)(3-1-04)T
- e.** Laetrile therapy; ~~or~~ (6-1-86)(3-1-04)T
- f.** ~~Organ transplants; lung, pancreas, or other transplants considered investigative or experimental procedures and multiple organ transplants; or~~ (10-1-91)
- g.** Procedures and testing for the inducement of fertility. This includes, but is not limited to, artificial inseminations, consultations, counseling, office exams, tuboplasties, and vasovasostomies; ~~(11-10-87)~~(3-1-04)T
- h.** New procedures of unproven value and established procedures of questionable current usefulness as identified by the Public Health Service and ~~which that~~ are excluded by the Medicare program are ~~excluded from MA payment~~ not covered by the Medical Assistance Program; ~~or~~ (5-15-84)(3-1-04)T
- i.** Drugs supplied to patients for self-administration other than those allowed under the conditions of Section ~~26~~ 805; ~~or~~ (12-31-91)(3-1-04)T
- ii.** Examinations: (6-1-86)
- i.** For routine checkups, other than those associated with the EPSDT program; ~~or~~ (6-1-86)(3-1-04)T
- ii.** In connection with the attendance, participation, enrollment, or accomplishment of a program; or (6-1-86)
- iii.** For employment. (6-1-86)
- iii.** Services provided by psychologists and social workers who are employees or contract agents of a physician, or a physician's group practice association except for psychological testing on the order of the physician; ~~or~~ (6-1-86)(3-1-04)T
- iii.** The treatment of complications, consequences, or repair of any medical procedure; in which the original procedure was ~~excluded from MA coverage~~ not covered by the Medical Assistance Program, unless the resultant condition is life-threatening as determined by the ~~MA Section of the~~ Department; ~~or~~ (5-15-84)(3-1-04)T
- iii.** Medical transportation costs incurred for travel to medical facilities for the purpose of receiving a noncovered medical service are ~~excluded from MA payment.~~ not covered by the Medical Assistance Program; (5-15-84)(3-1-04)T
- iii.** Eye exercise therapy; ~~or~~ (10-25-88)(3-1-04)T
- iii.** Surgical procedures on the cornea for myopia. (3-2-94)
- 03. Experimental Treatments or Procedures.** Treatments and procedures used solely to gain further evidence or knowledge or to test the usefulness of a drug or type of therapy are not covered for payment by the Medical Assistance Program. This includes both the treatment or procedure itself, and the costs for all follow-up medical treatment directly associated with such a procedure. Experimental treatments and procedures are not covered for payment by the Medical Assistance Program under the following circumstances: (3-1-04)T
- a.** The treatment or procedure is in Phase I clinical trials in which the study drug or treatment is given to a small group of people for the first time to: (3-1-04)T
- i.** Evaluate its safety; (3-1-04)T
- ii.** Determine a safe dosage range; and (3-1-04)T

- iii. Identify side effects: (3-1-04)T
- b. There is inadequate available clinical/pre-clinical data to provide a reasonable expectation that the trial treatment or procedure will be at least as effective as non-investigational therapy; or (3-1-04)T
- c. Expert opinion suggests that additional information is needed to assess the safety or efficacy of the proposed treatment or procedure. (3-1-04)T

(BREAK IN CONTINUITY OF SECTIONS)

**081. ORGAN TRANSPLANTS.**

The Department may ~~purchase~~ reimburse for organ transplant services for bone marrows, kidneys, hearts, intestines, and livers when provided by hospitals approved by the ~~Health Care Financing Administration~~ Centers for Medicare and Medicaid for the Medicare program ~~and~~ that have completed a provider agreement with the Department. The Department may ~~purchase~~ reimburse for cornea transplants for conditions where such transplants have demonstrated efficacy. (3-15-02)(3-1-04)T

~~01. **Heart or Liver Transplants.** Heart or liver transplant surgery will be covered.~~ (3-15-02)

**021. Kidney Transplants.** Kidney transplant~~ation~~ surgery will be covered only in a renal transplantation facility participating in the Medicare program after meeting the criteria specified in 42 CFR 405 Subpart U. Facilities performing kidney transplants must belong to one (1) of the End Stage Renal Dialysis (ESRD) network area's organizations designated by the Secretary of Health and Human Services for Medicare certification. (10-1-91)(3-1-04)T

**032. Living Kidney Donor Costs.** The transplant costs for actual or potential living kidney donors are fully covered by Medicaid and include all reasonable preparatory, operation, and post-operation recovery expenses associated with the donation. Payments for post-operation expenses of a donor will be limited to the period of actual recovery. (10-1-91)

**043. Intestinal Transplants.** Intestinal transplant~~ation~~ surgery will be covered only for patients with irreversible intestinal failure, and who have failed total parenteral nutrition. (3-15-02)(3-1-04)T

**054. Coverage Limitations.** ~~When the need for transplant of a second organ such as a heart, lung, liver, bone marrow, pancreas, or kidney represents the coexistence of significant disease, the organ transplants will not be covered.~~ (10-1-91)(3-1-04)T

a. Multi-organ transplants may be covered when: (3-1-04)T

i. The primary organ defect caused damage to a second organ and transplant of the primary organ will eliminate the disease process; and (3-1-04)T

ii. The damage to the second organ will compromise the outcome of the transplant of the primary organ. (3-1-04)T

~~a~~b. Each kidney or lung is considered a single organ for transplant; (10-1-91)

~~b~~c. Retransplants will be covered only if the original transplant was performed for a covered condition and if the retransplant is performed in a Medicare/Medicaid approved facility; (10-1-91)

~~c~~d. A liver transplant from a live donor will not be covered by the Medical Assistance Program; (3-15-02)(3-1-04)T

~~d.~~ ~~Multi-organ transplants such as heart/lung or kidney/pancreas and the transplant of artificial~~

~~hearts or ventricular assist devices are not covered;~~

~~(10-1-91)~~

**e.** ~~Except for cornea transplants, all~~ No organ transplants are ~~excluded from MA payment~~ covered by the Medical Assistance Program unless ~~prior~~ preauthorized by the Department or its designee, and performed for the treatment of medical conditions where such transplants have a demonstrated efficacy. ~~(3-15-02)~~(3-1-04)T

~~**06. Noncovered Transplants.** Services, supplies, or equipment directly related to a noncovered transplant will be the responsibility of the recipient.~~ (10-1-91)

**075. Follow-Up Care.** Follow-up care to a recipient who received a covered organ transplant may be provided by a Medicare/Medicaid participating hospital not approved for organ transplantation. (10-1-91)

**IDAPA 16 - DEPARTMENT OF HEALTH AND WELFARE**  
**16.03.09 - RULES GOVERNING THE MEDICAL ASSISTANCE PROGRAM**  
**DOCKET NO. 16-0309-0502**  
**NOTICE OF RULEMAKING - TEMPORARY RULE**

**EFFECTIVE DATE:** The effective date of the temporary rule is March 1, 2005.

**AUTHORITY:** In compliance with Sections 67-5226, Idaho Code, notice is hereby given this agency has adopted a temporary rule. The action is authorized pursuant to Sections 56-202(b) and 56-203(g), Idaho Code.

**DESCRIPTIVE SUMMARY:** The following is the required finding and concise statement of its supporting reasons for adopting a temporary rule:

Approximately two years ago, individuals receiving cash assistance through the Division of Welfare were converted to Medicaid with their existing assessed level of care. However, when individuals were re-assessed using the Department's Uniform Assessment Instrument, their level of care was generally assessed at a lower level than when they entered the program. After analysis, it was discovered that the UAI did not sufficiently score individuals who had behavioral issues because it was designed primarily to assess physical functional capabilities. This proposed rule change will create a unique identifier in the UAI that will identify persons living in Certified Family Homes and Assisted Living Facilities with specific diagnosis of mental illness, mental retardation and/or Alzheimer's Disease at a unique level of care that reflects behavioral needs and ties to an established reimbursement rate. This rule change adds an additional level of care which reflects minimum resources needed for providing services to individuals with specific behavioral needs of 12.5 hours per week of personal care services based on documented diagnosis of mental illness, mental retardation, or Alzheimer's Disease. The dollar amounts used as maximum calculated fees were deleted because they are outdated and not used at this time. The calculations now use a uniform term for the calculated fee.

**TEMPORARY RULE JUSTIFICATION:** Pursuant to Section(s) 67-5226(1)(c), Idaho Code, the Governor has found that temporary adoption of the rule is appropriate because the rule change is conferring a benefit. Providers will be able to receive a greater reimbursement for Medicaid participants and access for participants with these diagnosis should improve.

**FEE SUMMARY:** There is no fee or charge being imposed or increased in this docket.

**ASSISTANCE ON TECHNICAL QUESTIONS:** For assistance on technical questions concerning the temporary rule, contact Chris Baylis at (208) 364-1891.

DATED this 16th day of December, 2004.

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**THE FOLLOWING IS THE TEXT FOR DOCKET NO. 16-0309-0502**

**148. PROVIDER REIMBURSEMENT FOR PERSONAL ASSISTANCE SERVICES.**

**01. Reimbursement Rate.** Personal assistance providers will be paid a uniform reimbursement rate for service as established by the Department pursuant to Section 39-5606, Idaho Code, on an annual basis. Provider claims for payment will be submitted on claim forms provided or approved by the Department. Billing instructions will be provided by the Department. (3-30-01)

**02. Calculated Fee.** The fee calculated for personal care provider reimbursement includes a basic rate for services and mileage. No separate charges for mileage will be paid by the Department for non-medical transportation, unless approved by the RMU under a Home and Community-Based Services (HCBS) waiver, or provider transportation to and from the participant's home. Fees will be calculated as follows: (3-30-01)

**a.** Annually Medicaid will conduct a poll of all Idaho nursing facilities and establish the weighted average hourly rates (WAHR) for nursing facility industry employees in comparable positions (i.e. RN, QMRP, certified and non-certified nurse's aides) in Idaho to be used for the reimbursement rate to be effective on July 1 of that year. (3-30-01)

**b.** Medicaid will then establish payment levels for personal assistance agencies for personal assistance services as follows: (3-30-01)

**i.** Weekly service needs of zero to sixteen (0-16) hours under the State Medicaid Plan, or a HCBS waiver:

Personal Assistance Agencies	WAHR x 1.55	=	\$ amount/hour
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(3-30-01)

**ii.** Extended visit, one (1) child (eight and one-quarter (8.25) hours up to twenty-four (24) hours):

Personal Assistance Agencies	(WAHR x actual hours of care up to 5 hours x 1.55) plus (\$.65 x 1.55 hours on site on-call)	=	\$ amount/hour <del>(Maximum \$ 63.65)</del>
Licensed Child Foster Homes	(WAHR x actual hours of care up to 5 hours x 1.22) plus (\$.65 x 1.22 x actual hours on site on-call)	=	\$ amount/hour <del>(Maximum \$ 60.36)</del>

~~(3-30-01)~~(3-1-05)T

**iii.** Extended visit, two (2) children (eight and one-quarter (8.25) hours up to twenty-four (24) hours):

Personal Assistance Agencies	(WAHR x actual hours of care up to 4 hours) x (1.55 plus \$.65 x 1.55 x hours on site on-call)	=	\$ amount/hour <del>(Maximum \$ 54.26)</del>
Licensed Child Foster Homes	(WAHR x hours actual care up to 4 hours x 1.22) plus (\$.65 x 1.22 x hours on site on-call)	=	\$ amount/hour <del>(Maximum \$ 44.33)</del>

~~(3-30-01)~~(3-1-05)T

**iv.** Adult participants living in Residential/Assisted Living Facilities (RALF) or Certified Family Homes will receive personal care services at a rate based on their care level. Each level will convert to a specific number of hours of personal care services. (5-3-03)

(1) Reimbursement Level I - One point twenty-five (1.25) hours of personal care services per day or eight point seventy-five (8.75) hours per week. ~~(5-3-03)~~(3-1-05)T

(2) Reimbursement Level II - One point five (1.5) hours of personal care services per day or ten point five (10.5) hours per week. ~~(5-3-03)~~(3-1-05)T

(3) Reimbursement Level III - Two point twenty-five (2.25) hours of personal care services per day or fifteen point seventy-five (15.75) hours per week. ~~(5-3-03)~~(3-1-05)T

(4) Reimbursement Level IV - One point seventy-nine (1.79) hours of personal care services per day or twelve point five (12.5) hours per week. This level will be assigned based on a documented diagnosis of mental illness, mental retardation, or Alzheimer's disease. If an individual is assessed as Level III with a diagnosis of mental illness, mental retardation, or Alzheimer's disease the provider reimbursement rate will be the higher amount as described in Subsection 148.02.b.iv.(3) of these rules. (3-1-05)T

c. The attending physician or authorized provider will be reimbursed for services provided using current payment levels and methodologies for other services provided to eligible participants. (3-30-01)

d. The supervisory RN and QMRP will be reimbursed at a per visit amount established by the Department for supervisory visits. Client evaluations and Care Plan Development will be reimbursed at a rate established by the Department, following authorization by the RMU. (1-1-91)

i. The number of supervisory visits by the RN or QMRP to be conducted per calendar quarter will be approved as part of the PCS care plan by the RMU. (3-30-01)

ii. Additional evaluations or emergency visits in excess of those contained in the approved care plan will be authorized when needed by the RMU. (1-1-91)

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# LEGAL NOTICE

## Summary of Proposed Rulemakings

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### **PUBLIC NOTICE OF INTENT TO PROPOSE OR PROMULGATE NEW OR CHANGED AGENCY RULES**

The following agencies of the state of Idaho have published the complete text and all related, pertinent information concerning their intent to change or make the following rules in the new issue of the state Administrative Bulletin.

**Because of the moratorium on proposed rulemaking during the legislative session, there are no proposed rules being promulgated or published in this month's Bulletin**

Please refer to the Idaho Administrative Bulletin, **February 2, 2005, Volume 05-2** for notices and text of all rulemakings, public hearing schedules, Governor's executive orders, and agency contact names.

**Citizens of your county can view all issues of the Idaho Administrative Bulletin at the county law libraries.**

Copies of the Administrative Bulletin and other rules publications are available for purchase. For subscription information and ordering call (208) 332-1820 or write the Office of Administrative Rules, Department of Administration, 650 W. State St., Room 100, Boise, Idaho 83720-0306. Visa and Mastercard accepted.

The Idaho Administrative Bulletin and Administrative Code are available on-line at: <http://www2.state.id.us/adm/adminrules/>

# **ABRIDGED EDITION OF THE CUMULATIVE RULEMAKING INDEX OF IDAHO ADMINISTRATIVE RULES**

*Idaho Department of Administration  
Office of Administrative Rules*

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**March 30, 2004 -- February 2, 2005**

*(eff. \*PLR) - Final Rule Adoption Date Pending Legislative Review And Approval*

*(eff. date)L - Denotes Adoption by Legislative Action*

*(eff. date)T - Temporary Rule Effective Date*

*SCR # - denotes the number of a Senate Concurrent Resolution (Legislative Action)*

*HCR # - denotes the number of a House Concurrent Resolution (Legislative Action)*

*(This Abridged Index includes rules promulgated before May 3, 2003 that have been adopted as final rules and all rulemakings being promulgated after March 30, 2004.)*

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## **IDAPA 01 -- IDAHO BOARD OF ACCOUNTANCY**

### **01.01.01, Idaho Accountancy Rules, IAC Vol. 1**

- 01-0101-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-1 (eff. 1-1-04)T
- 01-0101-0401** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 1-1-04)T
- 01-0101-0402** Proposed Rulemaking, Bulletin Vol. 04-10
- 01-0101-0401** Pending Rule, Bulletin Vol. 04-11 (eff. 3-1-05)
- 01-0101-0402** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

## **IDAPA 02 -- DEPARTMENT OF AGRICULTURE**

### **02.01.04, Rules Governing the Idaho Preferred TM Promotion Program, IAC Vol. 1**

- 02-0104-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 11-1-04)T
- 02-0104-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

### **02.02.14, Rules for Weights and Measures, IAC Vol. 1**

- 02-0214-0401** Proposed Rulemaking, Bulletin Vol. 04-8
- 02-0214-0401** Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)

### **02.03.01, Rules Governing Pesticide Management Plans for Ground Water Protection**

- 02-0301-0401** Proposed Rulemaking (New Chapter), Bulletin Vol. 04-9
- 02-0301-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

### **02.03.03, Rules Governing Pesticide and Chemigation Use and Application, IAC Vol. 1**

- 02-0303-0401** Proposed Rulemaking, Bulletin Vol. 04-10
- 02-0303-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**02.04.03, Rules Governing Animal Industry, IAC Vol. 1**

- 02-0403-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-9 (eff. 9-1-04)T  
**02-0403-0401** Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)

**02.04.06, Requirements for Licensed Dairy Plants, IAC Vol. 1**

- 02-0406-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-1-04)T  
**02-0406-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.04.07, Grade A Condensed/Dry Milk and Whey Products, IAC Vol. 1**

- 02-0407-0401** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-10 (eff. 8-1-04)T  
**02-0407-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.04.08, Rules Governing Grade A Milk and Milk Products, IAC Vol. 1**

- 02-0408-0401\*** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-1-04)T  
\*Rulemaking changes chapter name to: "Rules Governing Grade A Milk and Milk Products" from:  
"Rules of the Department of Agriculture Governing Grade A Milk and Milk Products"  
**02-0408-0401\*** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
\*Rulemaking changes chapter name to: "Rules Governing Grade A Milk and Milk Products" from:  
"Rules of the Department of Agriculture Governing Grade A Milk and Milk Products"

**02.04.09, Rules Governing Methods of Making Sanitation Ratings of Milk Shippers, IAC Vol. 1**

- 02-0409-0401\*** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-1-04)T  
\*Rulemaking changes chapter name to: "Rules Governing Methods of Making Sanitation Ratings of Milk Supplies" from:  
"Rules of the Department of Agriculture Governing Methods of Making Sanitation Ratings of Milk Shippers"  
**02-0409-0401\*** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
\*Rulemaking changes chapter name to: "Rules Governing Methods of Making Sanitation Ratings of Milk Supplies" from:  
"Rules of the Department of Agriculture Governing Methods of Making Sanitation Ratings of Milk Shippers"

**02.04.10, Procedures Governing the Cooperative State-Public Health Services, Food and Drug Administration Program for Certification of Interstate Milk Shippers, IAC Vol. 1**

- 02-0410-9301** Temporary and Proposed Rulemaking, Bulletin Vol. 93-3  
**02-0410-9301** Final Rule, Bulletin Vol. 94-6 (eff. 4-8-94)  
**02-0410-0401\*** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-1-04)T  
\*Rulemaking changes chapter name to: "Procedures Governing the Cooperative State-Public Health Services, Food and Drug Administration Program for Certification of Interstate Milk Shippers" from:  
"Rules of the Department of Agriculture Governing Procedures Governing the Cooperative State-Public Health Services, Food and Drug Administration Program for Certification of Interstate Milk Shippers"  
**02-0410-0401\*** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
\*Rulemaking changes chapter name to: "Procedures Governing the Cooperative State-Public Health Services, Food and Drug Administration Program for Certification of Interstate Milk Shippers" from:  
"Rules of the Department of Agriculture Governing Procedures Governing the Cooperative State-Public Health Services, Food and Drug Administration Program for Certification of Interstate Milk Shippers"

**02.04.12, Rules Governing Standards for the Fabrication of Single-service Containers and Closures for Milk and Milk Products, IAC Vol. 1**

- 02-0412-0401** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-10 (eff. 8-1-04)T  
**02-0412-0401** Pending Rule (Chapter Repeal), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.04.15, Rules Governing Beef Cattle Animal Feeding Operations, IAC Vol. 1**

- 02-0415-0401\*** Temporary and Proposed Rulemaking, Bulletin Vol. 04-9 (eff. 8-1-04)T  
\*Rulemaking changes chapter name to: "Rule Governing Beef Cattle Animal Feeding Operations" from:  
"Rules of the Department of Agriculture Governing Beef Cattle Animal Feeding Operations"  
**02-0415-0401\*** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**02.04.19, Rules Governing Domestic Cervidae, IAC Vol. 1**

- 02-0419-0401** Proposed Rulemaking, Bulletin Vol. 04-10  
**02-0419-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**02.04.25, Rules Governing the Private Feeding of Big Game Animals**

- 02-0425-0401** Proposed Rulemaking (New Chapter), Bulletin Vol. 04-10  
**02-0425-0401** Pending Rule (New Chapter), Bulletin Vol. 05-1 (eff. \*PLR 2005)

**02.04.26, Rules Governing Livestock Marketing, IAC Vol. 1**

- 02-0426-0401** Temporary and Proposed Rulemaking - (New Chapter), Bulletin Vol. 04-9 (eff. 8-1-04)T  
**02-0426-0401** Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)

**02.06.01, Rules Governing the Pure Seed Law, IAC Vol. 1**

- 02-0601-0401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-9  
**02-0601-0401** Pending Rule (Fee Rule), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.06.02, Rules Pertaining to the Idaho Commercial Feed Law, IAC Vol. 1**

- 02-0602-0401\*** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-25-04)T  
*\*Rulemaking changes chapter name to: "Rules Pertaining to the Idaho Commercial Feed Law" from:  
"Rules Under the Idaho Commercial Feed Law"*  
**02-0602-0402** Proposed Rulemaking, Bulletin Vol. 04-10  
**02-0602-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
**02-0602-0402** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.06.05, Rules Governing Diseases of Hops (*Humulus lupulus*), IAC Vol. 1**

- 02-0605-0301** Temporary Rulemaking, Bulletin Vol. 03-4 (eff. 2-21-03)T  
**02-0605-0301** OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 2-21-03)T  
**02-0605-0301** Proposed Rulemaking, Bulletin Vol. 04-8  
**02-0605-0301** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.06.12, Rules Pertaining to Idaho Fertilizer Law, IAC Vol. 1**

- 02-0612-0401\*** Temporary and Proposed Rulemaking, Bulletin Vol. 04-9 (eff. 7-28-04)T  
*\*Rulemaking changes chapter name to: "Rules Pertaining to Idaho Fertilizer Law" from:  
"Rules of the Department of Agriculture Pertaining to Idaho Fertilizer Law"*  
**02-0612-0402** Proposed Rulemaking, Bulletin Vol. 04-10  
**02-0612-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
**02-0612-0402** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**02.06.16, Crop Residue Disposal Rules, IAC Vol. 1**

- 02-0616-0401** Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-6 (eff. 3-23-04)T  
**02-0616-0401** Pending Rule (Fee Rule), Bulletin Vol. 05-1 (eff. \*PLR 2005)

**02.06.26, Rules Governing Seed Potato Crop Management Areas, IAC Vol. 1**

- 02-0626-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-9 (eff. 7-1-04)T  
**02-0626-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

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- 02-0641-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-25-04)T  
**02-0641-0402** Proposed Rulemaking, Bulletin Vol. 04-10  
**02-0641-0401** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
**02-0641-0402** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

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- 03-0101-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-8 (eff. 7-1-04)T  
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**IDAPA 05 -- DEPARTMENT OF JUVENILE CORRECTIONS**

**05.01.01, Rules for Contract Providers, IAC Vol. 1**

- 05-0101-0401** Temporary Rulemaking (Chapter Repeal), Bulletin Vol. 04-2 (eff. 5-1-04)T
- 05-0101-0402\*** Temporary Rulemaking (Chapter Rewrite), Bulletin Vol. 04-2 (eff. 5-1-04)T  
(\*Chapter rewrite renames chapter to "Rules for Contract Providers" from:  
"Rules of the Department of Juvenile Corrections and Standards for Private Contract Providers")
- 05-0101-0401** Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-10
- 05-0101-0402\*** Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 04-10
- 05-0101-0401** Pending Rule (Chapter Repeal), Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 05-0101-0402\*** Pending Rule (Chapter Rewrite), Bulletin Vol. 05-1 (eff. \*PLR 2005)

**05.01.03, Rules of the Custody Review Board, IAC Vol. 1**

- 05-0103-0401** Proposed Rulemaking, Bulletin Vol. 04-10
- 05-0103-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**05.01.04, Uniform Standards for Juvenile Probation Services**

- 05-0104-0401** Proposed Rulemaking (New Chapter), Bulletin Vol. 04-10
- 05-0104-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**IDAPA 07 -- DIVISION OF BUILDING SAFETY**

**07.01.03, Rules of Electrical Licensing and Registration - General, IAC Vol. 1**

- 07-0103-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-6 (eff. 7-1-04)T
- 07-0103-0402** Temporary and Proposed Rulemaking, Bulletin Vol. 04-6 (eff. 7-1-04)T
- 07-0103-0401** Pending Rule, Bulletin Vol. 04-8 (eff. \*PLR 2005)
- 07-0103-0402** Pending Rule, Bulletin Vol. 04-8 (eff. \*PLR 2005)
- 07-0103-0403** Negotiated Rulemaking, Bulletin Vol. 04-8
- 07-0103-0403** Negotiated Rulemaking (2nd Notice), Bulletin Vol. 04-10

**07.01.04, Rules Governing Electrical Specialty Licensing, IAC Vol. 1**

- 07-0104-0401** Proposed Rulemaking, Bulletin Vol. 04-8
- 07-0104-0401** Pending Rule, Bulletin Vol. 04-10 (eff. \*PLR 2005)

**07.01.05, Rules Governing Examinations, IAC Vol. 1**

- 07-0105-0401** Proposed Rulemaking, Bulletin Vol. 04-8
- 07-0105-0401** Pending Rule, Bulletin Vol. 04-10 (eff. \*PLR 2005)

**07.01.06, Rules Governing the Use of National Electrical Code, IAC Vol. 1**

- 07-0106-0402** Temporary Rulemaking, Bulletin Vol. 04-5 (eff. 11-6-03)T
- 07-0106-0402** Notice of Rescission of Temporary Rulemaking, Bulletin Vol. 04-10 (eff. 11-6-03)T
- 07-0106-0403** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-11-04)T
- 07-0106-0403** Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.02.03, Rules Governing Permit Fee Schedule, IAC Vol. 1**

- 07-0203-0401** Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-10
- 07-0203-0401** Pending Rule (Fee Rule), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.02.05, Rules Governing Plumbing Safety Licensing, IAC Vol. 1**

- 07-0205-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 7-1-04)T
- 07-0205-0402** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 1-1-05)T
- 07-0205-0403** Proposed Rulemaking, Bulletin Vol. 04-10

- 07-0205-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)
- 07-0205-0402 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)
- 07-0205-0403 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.02.06, Rules Concerning Uniform Plumbing Code, IAC Vol. 1**

- 07-0206-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-12 (eff. 9-12-03)T
- 07-0206-0301 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 9-12-03)T
- 07-0206-0301 Pending Rule, Bulletin Vol. 04-5 (eff. \*PLR 2005)

**07.02.07, Rules Governing Civil Penalties**

- 07-0207-0401 Proposed Rulemaking (New Chapter - Fee Rule), Bulletin Vol. 04-10
- 07-0207-0401 Pending Rule (New Chapter - Fee Rule), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.03.04, Rules Governing the Use of the Uniform Mechanical Code, IAC Vol. 1**

- 07-0304-0401 Temporary and Proposed Rulemaking - (Chapter Repeal), Bulletin Vol. 04-7 (eff. 1-1-05)T
- 07-0304-0401 Pending Rule (Chapter Repeal), Bulletin Vol. 04-9 (eff. \*PLR 2005)

**07.03.06, Rules Governing the Use of the International Building Code, IAC Vol. 1**

- 07-0306-0401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-11
- 07-0306-0401 Pending Rule (Fee Rule), Bulletin Vol. 05-1 (eff. \*PLR 2005)

**07.03.07, Rules Governing the Use of the International Energy Conservation Code, IAC Vol. 1**

- 07-0307-0401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-8
- 07-0307-0401 Pending Rule (Chapter Repeal), Bulletin Vol. 04-10 (eff. \*PLR 2005)

**07.03.08, Rules Governing Commercial Coaches, IAC Vol. 1**

- 07-0308-0401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-8
- 07-0308-0401 Pending Rule (Fee Rule), Bulletin Vol. 04-10 (eff. \*PLR 2005)

**07.03.09, Rules Governing Manufactured Homes - Consumers Complaints - Dispute Resolution**

- 07-0309-0401 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 04-10 (eff. 1-1-05)T
- 07-0309-0401 Pending Rule (New Chapter), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.03.10, Rules Governing the Use of the International Residential Code, IAC Vol. 1**

- 07-0310-0401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-8
- 07-0310-0401 Pending Rule (Chapter Repeal), Bulletin Vol. 04-10 (eff. \*PLR 2005)

**07.03.11, Rules Governing Manufactured/Mobile Home Licensing, IAC Vol. 1**

- 07-0311-0401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-10
- 07-0311-0401 Pending Rule (Fee Rule), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.03.13, Rules Governing Mobile Home Rehabilitation, IAC Vol. 1**

- 07-0313-0401 Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-10
- 07-0313-0401 Pending Rule (Fee Rule), Bulletin Vol. 04-12 (eff. \*PLR 2005)

**07.04.02, Safety Rules for Elevators, Escalators, and Moving Walks**

- 07-0402-0401 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 04-8 (eff. 7-1-04)T
- 07-0402-0401 Pending Rule (New Chapter), Bulletin Vol. 04-10 (eff. \*PLR 2005)

**07.05.01, Rules of the Public Works Contractors License Board, IAC Vol. 1**

- 07-0501-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-6 (eff. 4-12-04)T
- 07-0501-0401 Pending Rule, Bulletin Vol. 04-8 (eff. \*PLR 2005)

**07.06.01, Rules Governing Uniform School Building Safety, IAC Vol. 1**

- 07-0601-0301 Temporary and Proposed Rulemaking, Bulletin Vol. 03-12 (eff. 9-22-03)T
- 07-0601-0301 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 9-22-03)T
- 07-0601-0301 Pending Rule, Bulletin Vol. 04-5 (eff. \*PLR 2005)

**07.07.01, Rules Governing Installation of Heating, Ventilation and Air Conditioning Systems, IAC Vol. 1**

- 07-0701-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-7 (eff. 7-1-04)T
- 07-0701-0401 Pending Rule, Bulletin Vol. 04-9 (eff. \*PLR 2005)
- 07-0701-0402 Proposed Rulemaking, Bulletin Vol. 04-10
- 07-0701-0403 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 8-18-04)T
- 07-0701-0402 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)
- 07-0701-0403 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)
- 07-0701-0501 Temporary Rulemaking, Bulletin Vol. 05-2 (eff. 1-1-05)T

**IDAPA 08 -- STATE BOARD OF EDUCATION AND**  
**DEPARTMENT OF EDUCATION**

**08.01.01, Rules of the State Board of Education and the Board of Regents of the University of Idaho**  
**- Administrative Procedures and Records, IAC Vol. 2**

- 08-0101-0401 Proposed Rulemaking, Bulletin Vol. 04-8
- 08-0101-0401 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 04-10

**08.01.08, Miscellaneous Rules, IAC Vol. 2**

- 08-0108-0301\* Proposed Rulemaking, Bulletin Vol. 03-10  
*\*Rulemaking changes chapter name to: "Miscellaneous Rules of the State Board of Education" from:  
"Miscellaneous Rules"*
- 08-0108-0301\* Pending Rule, Bulletin Vol. 04-8

**08.02.02, Rules Governing Uniformity - State Board of Education Rules, IAC Vol. 2**

- 08-0202-0402 Temporary and Proposed Rulemaking, Bulletin Vol. 04-5 (3-12-04)T
- 08-0202-0403 Negotiated Rulemaking, Bulletin Vol. 04-6
- 08-0202-0404\* Negotiated Rulemaking, Bulletin Vol. 04-8 (*\*Rulemaking was vacated and negotiations officially ended*)
- 08-0202-0403 Proposed Rulemaking, Bulletin Vol. 04-10
- 08-0202-0405 Proposed Rulemaking, Bulletin Vol. 04-10
- 08-0202-0406 Proposed Rulemaking, Bulletin Vol. 04-10
- 08-0202-0407 Proposed Rulemaking, Bulletin Vol. 04-10
- 08-0202-0408 Proposed Rulemaking, Bulletin Vol. 04-10
- 08-0202-0409 Proposed Rulemaking, Bulletin Vol. 04-10
- 08-0202-0402 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005) - (11-12-04)T
- 08-0202-0403 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 08-0202-0405 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 08-0202-0406 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 08-0202-0407 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 08-0202-0408 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 08-0202-0409 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**08.02.03, Rules Governing Thoroughness - State Board of Education Rules, IAC Vol. 2**

- 08-0203-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-6 (3-19-04)T
- 08-0203-0402 Temporary and Proposed Rulemaking, Bulletin Vol. 04-8 (6-17-04)T
- 08-0203-0403 Temporary and Proposed Rulemaking, Bulletin Vol. 04-8 (6-17-04)T
- 08-0203-0401 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 04-10 (eff. \*PLR 2005) - (3-19-04)T
- 08-0203-0404 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (8-12-04)T
- 08-0203-0402 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005) - (6-17-04)T
- 08-0203-0403 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 08-0203-0404 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**08.02.04, Rules Governing Public Charter Schools, IAC Vol. 2**

- 08-0204-0401** Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-10 (eff. 4-1-04)T  
**08-0204-0402\*** Temporary and Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 04-10 (eff. 4-1-04)T  
*\*Rulemaking changes chapter name to: "Rules Governing Public Charter Schools" from:  
"Rules Governing Charter Schools"*

**08.03.01, Rules Governing the Charter School Commission**

- 08-0301-0401** Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 04-10 (eff. 7-21-04)T

**IDAPA 09 -- DEPARTMENT OF COMMERCE AND LABOR**

- 09-0000-0401** Notice of Legislative Action Relating to the Creation of the Department of Commerce and Labor - House Bill 607,  
Bulletin Vol. 04-8 (eff. 7-1-04)

**09.01.30, Rules of the Benefit Bureau, IAC Vol. 2**

- 09-0130-0401** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 7-1-04)T  
**09-0130-0402** Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 7-1-04)T  
**09-0130-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)  
**09-0130-0402** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**09.01.35, Rules of the Employer Accounts Bureau, IAC Vol. 2**

- 09-0135-0401** Proposed Rulemaking, Bulletin Vol. 04-10  
**09-0135-0402** Proposed Rulemaking, Bulletin Vol. 04-10  
**09-0135-0401** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)  
**09-0135-0402** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**09.02.01, Idaho Community Development Block Grant Program (ICDBG), IAC Vol. 8**

- 09-0000-0401** Notice of Legislative Action Relating to the Creation of the Department of Commerce and Labor - House Bill 607,  
Bulletin Vol. 04-8 (eff. 7-1-04)

**09.02.03, Rules of the Idaho Regional Travel and Convention Grant Program, IAC Vol. 8**

- 09-0000-0401** Notice of Legislative Action Relating to the Creation of the Department of Commerce and Labor - House Bill 607,  
Bulletin Vol. 04-8 (eff. 7-1-04)

**09.02.04, Idaho Gem Community Implementation Grant Program, IAC Vol. 8**

- 09-0000-0401** Notice of Legislative Action Relating to the Creation of the Department of Commerce and Labor - House Bill 607,  
Bulletin Vol. 04-8 (eff. 7-1-04)  
**09-0204-0401\*** Proposed Rulemaking, Bulletin Vol. 04-10  
*\*Rulemaking changes chapter name to: "Idaho Gem Grant Program" from:  
"Idaho Gem Community Implementation Grant Program"*  
**09-0204-0401\*** Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**09.02.05, Idaho Rural Community Block Grant Program, IAC Vol. 8**

- 09-0000-0401** Notice of Legislative Action Relating to the Creation of the Department of Commerce and Labor - House Bill 607,  
Bulletin Vol. 04-8 (eff. 7-1-04)

**09.02.10, Rules of the Eastern Idaho Aquifer Mitigation Grant Program**

- 09-0210-0401** Temporary Rulemaking (New Chapter), Bulletin Vol. 04-7 (eff. 3-26-04)T

**IDAPA 10 -- IDAHO BOARD OF REGISTRATION OF PROFESSIONAL ENGINEERS  
AND PROFESSIONAL LAND SURVEYORS**

**10.01.02, Rules of Professional Responsibility, IAC Vol. 2**

- 10-0102-0401 Negotiated Rulemaking, Bulletin Vol. 04-6
- 10-0102-0401 Proposed Rulemaking, Bulletin Vol. 04-8
- 10-0102-0401 Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)

### ***IDAPA 11 -- IDAHO STATE POLICE***

#### ***11.11.01, Rules of the Idaho Peace Officer Standards and Training Council, IAC Vol. 2***

- 11-1101-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 1-8-04 & 4-29-04)T
- 11-1101-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

#### ***11.02.01, Rules of the Idaho State Brand Board, Idaho State Brand Board, IAC Vol. 2***

- 11-0201-0501 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 05-1 (eff. 10-18-04)T
- 11-0201-0501 Correction to Temporary Fee Rule, Bulletin Vol. 05-2 (eff. 10-18-04)T

### ***IDAPA 12 -- DEPARTMENT OF FINANCE***

#### ***12.01.08, Rules Pursuant to the Uniform Securities Act (2004), IAC Vol. 2***

- 12-0108-0401 Temporary and Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-9 (9-1-04)T
- 12-0108-0402\* Temporary and Proposed Rulemaking (Chapter Rewrite - Fee Rule), Bulletin Vol. 04-9 (9-1-04)T  
\*Rulemaking changes chapter name to: "**Rules Pursuant to the Uniform Securities Act of 2004**" from:  
"**Rules Pursuant to the Idaho Securities Act**"
- 12-0108-0401 Pending Rule (Chapter Repeal), Bulletin Vol. 04-12 (eff. \*PLR 2005)
- 12-0108-0402\* Pending Rule and Amendment to Temporary Rule (Fee Rule), Bulletin Vol. 04-12 (eff. \*PLR 2005) -- (9-1-04)T  
\*Rulemaking changes chapter name to: "**Rules Pursuant to the Uniform Securities Act of 2004**" from:  
"**Rules Pursuant to the Idaho Securities Act**"

### ***IDAPA 13 -- DEPARTMENT OF FISH AND GAME***

#### ***13.01.02, Public Safety - Idaho Fish and Game Commission, IAC Vol. 2***

- 13-0102-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 1-26-04)T
- 13-0102-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

#### ***13.01.04, Rules Governing Licensing, IAC Vol. 2***

- 13-0104-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 3-26-04)T
- 13-0104-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

#### ***13.01.06, Classification and Protection of Wildlife, IAC Vol. 2***

- 13-0106-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 3-15-04)T
- 13-0106-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

#### ***13.01.07, Rules Governing the Taking of Upland Game Animals, IAC Vol. 2***

- 13-0107-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 4-28-04)T
- 13-0107-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10
- 13-0107-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

#### ***13.01.08, Rules Governing the Taking of Big Game Animals in the State of Idaho, IAC Vol. 2***

- 13-0108-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 3-26-04)T
- 13-0108-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10
- 13-0108-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

#### ***13.01.09, Rules Governing the Taking of Game Birds in the State of Idaho, IAC Vol. 2***

- 13-0109-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 4-28-04)T

- 13-0109-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10  
13-0109-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**13.01.11, Rules Governing Fish, IAC Vol. 2**

- 13-0111-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 12-8-03)T  
13-0111-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10  
13-0111-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**13.01.12, Rules Governing Commercial Fishing, IAC Vol. 2**

- 13-0112-0401\* Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 4-26-04)T  
\*Rulemaking changes chapter name to: "**Rules Governing Commercial Fishing**" from:  
"Commercial Fishing in the State of Idaho"  
13-0112-0401\* Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
\*Rulemaking changes chapter name to: "**Rules Governing Commercial Fishing**" from:  
"Commercial Fishing in the State of Idaho"

**13.01.13, Rules Governing the Taking of American Crow in the State of Idaho, IAC Vol. 2**

- 13-0113-0401\* Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 4-28-04)T  
\*Rulemaking changes chapter name to: "**Rules Governing the Taking of American Crow in the State of Idaho**" from:  
"Rules Governing the Taking of Migratory Birds in the State of Idaho"  
13-0113-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10  
13-0113-0401\* Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
\*Rulemaking changes chapter name to: "**Rules Governing the Taking of American Crow in the State of Idaho**" from:  
"Rules Governing the Taking of Migratory Birds in the State of Idaho"

**13.01.14, Rules Governing Falconry in the State of Idaho, IAC Vol. 2**

- 13-0114-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 4-28-04)T  
13-0114-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10  
13-0114-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**13.01.16, The Trapping of Predatory and Unprotected Wildlife and the Taking of Furbearing Animals, IAC Vol. 2**

- 13-0116-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 4-28-04)T  
13-0116-0402P Notice of Proposed Proclamation, Bulletin Vol. 04-10  
13-0116-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**13.01.19, Rules for Operating, Discontinuing, and Suspending Vendors, IAC Vol. 2**

- 13-0119-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 12-8-03)T  
13-0119-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**IDAPA 14 -- BOARD OF REGISTRATION OF PROFESSIONAL GEOLOGISTS**

**14.01.01, Rules of Procedure of the Board Of Registration of Professional Geologists, IAC Vol. 2**

- 14-0101-0401 Proposed Rulemaking, Bulletin Vol. 04-10  
14-0101-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

**IDAPA 15 -- OFFICE OF THE GOVERNOR**

**Executive Orders of the Governor**

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| Executive Order No. <b>2004-01</b> | Bulletin Vol. 04-5  | Executive Order No. <b>2004-02</b> | Bulletin Vol. 04-5  |
| Executive Order No. <b>2004-03</b> | Bulletin Vol. 04-8  | Executive Order No. <b>2004-04</b> | Bulletin Vol. 04-11 |
| Executive Order No. <b>2004-05</b> | Bulletin Vol. 04-11 | Executive Order No. <b>2004-06</b> | Bulletin Vol. 05-1  |
| Executive Order No. <b>2004-07</b> | Bulletin Vol. 05-1  | Executive Order No. <b>2004-08</b> | Bulletin Vol. 05-1  |
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***Commission On Aging***

***15.01.01, Rules Governing Senior Services Program - Idaho Commission on Aging, IAC Vol. 3***

- 15-0101-0401 Proposed Rulemaking, Bulletin Vol. 04-10
- 15-0101-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

***15.01.02, Rules Governing Area Agency Adult Protection Programs - Idaho Commission on Aging, IAC Vol. 3***

- 15-0102-0401 Proposed Rulemaking, Bulletin Vol. 04-10
- 15-0102-0401 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)

***IDAPA 16 -- DEPARTMENT OF HEALTH AND WELFARE***

***16.02.01, Health Professional Loan Repayment Program, IAC Vol. 3***

- 16-0201-0401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-9
- 16-0201-0401 Pending Rule (Chapter Repeal), Bulletin Vol. 04-11 (eff. \*PLR 2005)

***16.02.03, Rules Governing Emergency Medical Services, IAC Vol. 3***

- 16-0203-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-1 (eff. 4-1-04)T
- 16-0203-0401 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 4-1-04)T
- 16-0203-0401 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 04-7 (eff. \*PLR 2005) -- (4-1-04)T

***16.02.10, Idaho Reportable Diseases, IAC Vol. 3***

- 16-0210-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-1 (eff. 12-1-03)T
- 16-0210-0401 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 12-1-03)T
- 16-0210-0401 Pending Rule, Bulletin Vol. 04-7 (eff. \*PLR 2005)
- 16-0210-0402 Temporary and Proposed Rulemaking, Bulletin Vol. 04-7 (eff. 7-1-04)T
- 16-0210-0402 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

***16.02.11, Immunizations Requirements for Children Attending Licensed Day Care Facilities in Idaho, IAC Vol. 3***

- 16-0211-0401 Proposed Rulemaking, Bulletin Vol. 04-9
- 16-0211-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

***16.02.15, Immunization Requirements for Idaho School Children, IAC Vol. 3***

- 16-0215-0401 Proposed Rulemaking, Bulletin Vol. 04-9
- 16-0215-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

***16.02.19, Rules Governing Food Safety and Sanitation Standards for Food Establishments (UNICODE), IAC Vol. 3***

- 16-0219-0401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-8
- 16-0219-0402 Proposed Rulemaking (Chapter Rewrite), Bulletin Vol. 04-8
- 16-0219-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)
- 16-0219-0402 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

***16.02.23, Rules Governing Indoor Smoking, IAC Vol. 3***

- 16-0223-0401 Proposed Rulemaking, Bulletin Vol. 04-8
- 16-0223-0401 Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)

***16.02.26, Rules Governing the Idaho Children's Special Health Program, IAC Vol. 3***

- 16-0226-0401 Temporary and Proposed Rulemaking, Bulletin Vol. 04-10 (eff. 10-1-04)T
- 16-0226-0401 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005) -- (10-1-04)T

***16.03.01, Eligibility for Health Care Assistance for Families and Children, IAC Vol. 3***

- 16-0301-0401\* Temporary and Proposed Rulemaking, Bulletin Vol. 04-7 (eff. 7-1-04)T  
\*Rulemaking changes chapter name to: "**Eligibility For Health Care Assistance For Families and Children**" from:  
"**Rules Governing Eligibility for Medicaid for Families and Children**"  
16-0301-0401\* Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005) -- (7-1-04)T

**16.03.04, Rules Governing the Food Stamp Program in Idaho, IAC Vol. 3**

- 16-0304-0401 Temporary Rulemaking, Bulletin Vol. 04-2 (eff. 10-1-03)T -- (11-1-03)T  
16-0304-0401 Proposed Rulemaking, Bulletin Vol. 04-5  
16-0304-0401 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005) -- (1-1-05)T, (3-1-04)T  
(2-1-04)T, (11-1-03)T, (10-1-03)T

**16.03.09, Rules Governing the Medical Assistance Program in Idaho, IAC Vol. 4**

- 16-0309-0311 Temporary and Proposed Rulemaking, Bulletin Vol. 03-11 (eff. 12-1-03)T  
16-0309-0401 Temporary Rulemaking, Bulletin Vol. 04-2 (eff. 5-20-03)T  
16-0309-0311 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule SCR 131, Bulletin Vol. 04-5 (eff. 12-1-03)T  
16-0309-0401 Proposed Rulemaking, Bulletin Vol. 04-5  
16-0309-0311 Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 04-7 (eff. \*PLR 2005) -- (8-1-04)T  
16-0309-0402 Temporary and Proposed Rulemaking, Bulletin Vol. 04-8 (eff. 7-1-04)T  
16-0309-0403 Proposed Rulemaking, Bulletin Vol. 04-9  
16-0309-0404 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0309-0405 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0309-0406 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0309-0407 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0309-0401 Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)  
16-0309-0402 Pending Rule, Bulletin Vol. 04-11 (eff. \*PLR 2005)  
16-0309-0403 Pending Rule, Bulletin Vol. 04-12 (eff. \*PLR 2005)  
16-0309-0311 Correction to Pending Rule and Amendment to Temporary Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005) -- (8-1-04)T  
16-0309-0404 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)  
16-0309-0405 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)  
16-0309-0406 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 05-1  
16-0309-0501 Temporary Rulemaking, Bulletin Vol. 05-2 (eff. 3-1-04)T  
16-0309-0502 Temporary Rulemaking, Bulletin Vol. 05-2 (eff. 3-1-05)T

**16.03.10, Rules Governing Medicaid Provider Reimbursement in Idaho, IAC Vol. 4**

- 16-0310-0401 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0310-0402 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0310-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)  
16-0310-0402 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**16.03.11, Rules Governing Intermediate Care Facilities for the Mentally Retarded, IAC Vol. 4**

- 16-0311-0101 Temporary Rulemaking, Bulletin Vol. 01-1 (eff. 7-1-00)T  
16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 118, Bulletin Vol. 01-5 (1st Temp Extension)  
16-0311-0101 Amendment to Temporary Rule, Bulletin Vol. 02-4 (eff. 1-1-02)T  
16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 130, Bulletin Vol. 02-5 (2nd Temp Extension)  
16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 110, Bulletin Vol. 03-6 (3rd Temp Extension)  
16-0311-0101 OAR Omnibus Rulemaking Notice - Extension of Temporary Rule by SCR 131, Bulletin Vol. 04-5 (4th Temp Extension)  
16-0311-0101 Notice of Rescission of Temporary Rulemaking, Bulletin Vol. 05-1

**16.03.17, Service Coordination**

- 16-0317-0401 Proposed Rulemaking, Bulletin Vol. 04-10  
16-0317-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**16.03.18, Chip B and Children's Access Card Rules**

- 16-0318-0401 Temporary and Proposed Rulemaking (New Chapter), Bulletin Vol. 04-7 (eff. 7-1-04)T  
16-0318-0402 Temporary and Proposed Rulemaking (Fee Rule), Bulletin Vol. 04-7 (eff. 7-1-04)T  
16-0318-0401 Pending Rule and Amendment to Temporary Rule (New Chapter), Bulletin Vol. 05-1 (eff. \*PLR 2005) -- (7-1-04)T

16-0318-0402 Pending Rule (Fee Rule), Bulletin Vol. 05-1 (eff. \*PLR 2005)

**16.03.22, Rules for Licensed Residential and Assisted Living Facilities in Idaho, IAC Vol. 4**

16-0322-0401 Proposed Rulemaking, Bulletin Vol. 04-9

16-0322-0401 Notice of Vacation of Proposed Rulemaking, Bulletin Vol. 05-1

**16.04.04, Rules and Minimum Standards for Employment Services, IAC Vol. 4**

16-0404-0401 Proposed Rulemaking (Chapter Repeal), Bulletin Vol. 04-8

16-0404-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**16.04.11, Rules Governing Developmental Disabilities Agencies, IAC Vol. 4**

16-0411-0402 Negotiated Rulemaking, Bulletin Vol. 04-4

16-0411-0401 Proposed Rulemaking, Bulletin Vol. 04-9

16-0411-0402 Proposed Rulemaking, Bulletin Vol. 04-9

16-0411-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

16-0411-0402 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

**16.04.17, Rules Governing Residential Habilitation Agencies, IAC Vol. 4**

16-0417-0401 Proposed Rulemaking, Bulletin Vol. 04-9

16-0417-0401 Pending Rule, Bulletin Vol. 05-1 (eff. \*PLR 2005)

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